

In Re: Central Church, Inc.)
Ward 94, Block 400, Parcel 140) Shelby County
Residential Property)
Tax year 2005)

because of its shape. Further, Mr. Long concluded, the cost of clearing, grading, and filling the remaining area south of the easement for industrial development would be prohibitive.²

Based on his analysis of four land sales in the vicinity, Mr. Long estimated the market value of the subject property as of the January 1, 2005 reappraisal date to be \$100,000. One of the comparables he selected was a 139.63-acre tract on the northeast corner of the same intersection (3292 and 3559 Holmes Road). That property, some of which was also burdened by utility easements, sold for \$1,476,800 in October of 2005.³ According to the appraiser's information, about 65% of the total land area was usable.

As the Church's representative, Mr. Pritchard expressed a willingness to accept the \$137,400 value entered on the appeal form. But Mr. Nesbit, citing five other land sales in the vicinity at prices ranging from about \$16,000 to \$35,000 per acre, maintained that the county board had taken the negative features of the subject property into account. Although he did not rely on the post-assessment date sale of 3292/3559 Holmes, the Assessor's representative considered the sale price to be supportive of the disputed value.

Tenn. Code Ann. section 67-5-601(a) provides (in relevant part) that "[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values...."

Since the Church seeks to change the present valuation of the subject property, it has the burden of proof in this administrative proceeding. State Board Rule 0600-1-.11(1).

After reviewing the entire record, the administrative judge respectfully recommends adoption of the Church's requested value. That value significantly exceeds the amount estimated by an experienced and independent appraiser who served – albeit briefly – as the Shelby County Assessor of Property. Without meaning to slight Mr. Nesbit's efforts on the current Assessor's behalf, the administrative judge must accord greater evidentiary weight to Mr. Long's expert opinion in this instance because of: (a) his more complete descriptions of the subject and comparable properties; (b) his more thorough analysis; and (c) his visual inspection of the land in question.

Order

It is, therefore, ORDERED that the following values be adopted for tax year 2005:

LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE	ASSESSMENT
\$137,400	\$0	\$137,400	\$34,350

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

²The current zoning classification of this section is "planned commercial."

³The sale contract was apparently executed before January 1, 2005.

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **“must be filed within thirty (30) days from the date the initial decision is sent.”** Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **“identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order”**; or
2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 28th day of August, 2006.



PETE LOESCH
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

cc: Jim Pritchard, Administrator, Central Church, Inc.
Tameaka Stanton-Riley, Appeals Manager, Shelby County Assessor's Office

CENTRAL CHURCH.DOC